



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MANTHORPE *et al.*

Appl. No. 09/839,574

Filed: April 23, 2001

For: **Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based Therapeutics**

Confirmation No.: 1437

Art Unit: 1635

Examiner: Schnizer, R.A.

Atty. Docket: 1530.0180002/EKS/AES

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**Request To Add Inventors In A Nonprovisional Patent Application
Under 37 C.F.R. § 1.48(c)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request that the United States Patent and Trademark Office correct inventorship in the above-captioned nonprovisional patent application. The above-captioned application disclosed unclaimed subject matter that is now being claimed. Specifically, Applicants request that the United States Patent and Trademark Office add Jennifer MEEK to the inventive entity. Accordingly, upon entry of this request, the inventive entity would be changed from Marston MANTHORPE, Jukka HARTIKKA and Loretta SUKHU to Marston MANTHORPE, Jukka HARTIKKA, Loretta SUKHU and Jennifer MEEK.

This request is accompanied by:

- (1) A statement from each person to be added as an inventor stating that the amendment to the inventorship is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;

- (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or 1.47;
- (3) The written consent of the assignee of the originally named inventors;
- (4) A copy of the Certificate under 37 C.F.R. § 3.73(b) executed by the assignee named in part (3) as filed on August 17, 2001; and
- (5) The processing fee as set forth under 37 C.F.R. § 1.17(i).

Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this request is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Ann E. Summerfield
Attorney for Applicants
Registration No. 47,982

Date: September 11, 2002

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

**COPY****RECEIVED****SEP 15 2003****TECH CENTER 1600/2900****Certificate Under 37 C.F.R. § 3.73(b)**Applicant/Patent Owner: Marston Manthorpe, Jukka Hartikka and Loretta SukhuApplication No./Patent No.: 09/839,574 File Date: April 23, 2001Entitled: Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based TherapeuticsVical Incorporated, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE:] A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: July 12, 2001Name: Alan E. DowTitle: Vice-President and General CounselSignature: Alan E. Dow



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**Statement Under 37 C.F.R. § 1.48(a)(2) of A Person
To Be Added Or Deleted As An Inventor**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I am an inventor/coinventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously not naming me as an inventor. The inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

Signed: Jennifer Meek Date: 05 Sept 03

Jennifer Meek



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Atty Docket: 1530.0180002/EKS/AES

Consent of the Assignee Under 37 C.F.R. § 1.48(a)(5)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Vical Incorporated, assignee of the entire right, title and interest of the originally named inventors of the above-captioned application, consents to the change in inventorship from Marston Manthorpe, Jukka Hartikka, and Loretta Sukhu to Marston Manthorpe, Jukka Hartikka, Loretta Sukhu, and Jennifer Meek. I have read and understand 37 C.F.R. § 10.18(b).

For: Vical Incorporated

Signature: Alan E. Dow

Type or Print Name: Alan E. Dow, PhD

Vice President & General Counsel

Title: _____

Date: 5 Sept. 2003



Declaration for Patent Application

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Docket Number: 15501160003 KS/AES

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

TECH CENTER 1600/2900

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based Therapeutics**, the specification of which is attached hereto unless the following box is checked:

- v was filed on April 23, 2001;
as United States Application Number 09/839,574; and
was amended on March 22, 2002, and December 23, 2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

9 Yes 9 No

(Application No.)

(Country)

(Day/Month/Year Filed)

9 Yes 9 No

Send Correspondence to:



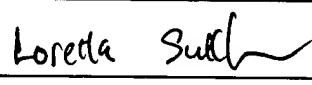
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

Docket Number: 1530.0180002/EKS/AES

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	MARSTON MANTHORPE	
Signature of sole or first inventor		Date 9/5/03
Residence	12418 KESTREL STREET, SAN DIEGO, CALIFORNIA 92129	
Citizenship	U.S.A.	
Mailing Address	Same as above	
Full name of second inventor	JUKKA HARTIKKA	
Signature of second inventor		Date 09-05-03
Residence	10804 SUNSET RIDGE DRIVE, SAN DIEGO, CALIFORNIA 92131-2392	
Citizenship	FINLAND	
Mailing Address	Same as above	
Full name of third inventor	LORETTA SUKHU	
Signature of third inventor		Date 9/5/03
Residence	10314 WATERIDGE CIRCLE, #276, SAN DIEGO, CALIFORNIA 92121	
Citizenship	CANADA	
Mailing Address	Same as above	

Docket Number: 1530.0180002/EKS/AES

Full name of fourth inventor	JENNIFER MEEK	
Signature of fourth inventor	<i>Jennifer Meek</i>	Date <i>05 Sept 03</i>
Residence	2910 NAUGATUCK AVENUE, SAN DIEGO, CALIFORNIA 92117	
Citizenship	U.S.A.	
Mailing Address	Same as above	

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(Supply similar information and signature for subsequent joint inventors, if any)